

Exhibit T

1 DEPARTMENT OF POLICE ACCOUNTABILITY

2 DPA CASE NO.: 0164-16

3
4 INTERVIEW OF: OFFICER ESTEBAN PEREZ, #4183

5 DATE OF INTERVIEW: 11/07/2017

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8 INV. STONECIPHER: This interview is regarding DPA Case
9 number 0164-16, and it's taking place at the Department of
10 Police Accountability, on Tuesday, November 7th, 2017, at
11 10:03 a.m.; this interview is being recorded. Conducting the
12 interview is Investigator Matt Stonecipher, I work for the
13 Department of Police Accountability. I've been designated by the
14 Police Commission to conduct this investigation. Also present is
15 Senior Investigator Carlos Villareal, and Chief of Staff, Sarah
16 Hawkins. The member being interviewed today is Officer Esteban
17 Perez, Star number 4183; he's without a representative today.

18 Officer Perez, I had provided you earlier with a DPA
19 Administrative Interview Advisements Form, which you've signed
20 already and given back to me, and for the recording, I'm just
21 noting that. And let's see here, I'll put this form in the DPA
22 Case file. With these advisements that you had already read and
23 signed, is there any reason you cannot go forward with this
24 interview today?

25 OFC. PEREZ: No, [inaudible].

26 INV. STONECIPHER: Okay. And Officer Perez, did you
27 review any documents to prepare for this interview today?

28 OFC. PEREZ: No.

1 INV. STONECIPHER: Okay. And have you reviewed any video
2 to prepare for this interview today?

3 OFC. PEREZ: No.

4 INV. STONECIPHER: Okay. Have you spoken to anyone else
5 about this case?

6 OFC. PEREZ: I just talked to a union representative,
7 and asked him if, what the procedure was. They told me that
8 since I'm a witness, that I don't have any representation, as
9 long as the questioning is not something that's in a criminal
10 manner, then I can just go ahead.

11 INV. STONECIPHER: Okay. And who was that rep you spoke
12 to?

13 OFC. PEREZ: I spoke to Kevin Martin a little while ago.

14 INV. STONECIPHER: Okay. And Officer Perez, how long
15 have you been employed with SFPD for?

16 OFC. PEREZ: It's [REDACTED].

17 INV. STONECIPHER: Okay. And where are you currently
18 stationed?

19 OFC. PEREZ: The Airport.

20 INV. STONECIPHER: Okay. And when this incident
21 happened, were you stationed somewhere else?

22 OFC. PEREZ: I was at Mission Station.

23 INV. STONECIPHER: Okay. Have you worked at any other
24 police departments during your career?

25 OFC. PEREZ: Departments? No.

26 INV. STONECIPHER: Okay. And have you received CIT
27 training?

28 OFC. PEREZ: Yes.

1 INV. STONECIPHER: And when was that?

2 OFC. PEREZ: I'd have to look at the records, but I

3 think around '04, '05, somewhere [inaudible].

4 INV. STONECIPHER: Okay. Have you received Advanced

5 Officer Training?

6 OFC. PEREZ: Yes.

7 INV. STONECIPHER: And when was that?

8 OFC. PEREZ: The last one, I think, was last year.

9 INV. STONECIPHER: Okay. And have you received De-

10 escalation training?

11 OFC. PEREZ: I believe that [unintelligible] the AO,

12 Advanced Officer training.

13 INV. STONECIPHER: Okay. Have you received training in

14 Crisis Negotiation?

15 OFC. PEREZ: Specifically like hostage negotiation? No.

16 INV. STONECIPHER: And have you had any previous

17 involvement with Luis Gongora prior to this incident?

18 OFC. PEREZ: Not that I can recall.

19 INV. STONECIPHER: Okay. And did you have a partner with

20 you that day, [unintelligible]?

21 OFC. PEREZ: No.

22 INV. STONECIPHER: And Officer Perez, do you wear

23 glasses or prescription contact lenses?

24 OFC. PEREZ: No.

25 INV. STONECIPHER: Officer Perez, please describe in

26 detail your encounter with Luis Gongora on April 7th, 2016.

27 OFC. PEREZ: I was working patrol that day. I remember

28 the call coming out that the HOT Team had interacted a person

1 | who was acting aggressive and had a knife. I heard that the
2 | sergeant was going, and I knew he was by himself, so I started
3 | to respond to that area, to that location as well. We were
4 | looking for him initially, I think, nobody knew where he was at,
5 | so different cars were going up and down Shotwell and the
6 | surrounding areas.

7 | I believe that's when I saw one vehicle going towards 19th
8 | on Shotwell, and I was on 18th, so I followed that car. That
9 | happened to be, I think that was the sergeant's car. He got out
10 | of his vehicle. Well, he parked, he got out of his vehicle. I
11 | was actually tailing behind him slowly, because I was making
12 | sure that the person didn't double-back. So, I was looking for
13 | the description, I forget, I think they said a soccer jersey or
14 | whatever. So, I was looking around and I was driving kind of
15 | slow. I saw him park and exit the car. I think that's when they
16 | said that they had contacted him.

17 | So, then I drove up a little further. I got out of the car.
18 | I started walking up, and then I saw the subject we're talking
19 | about, Mister Gongora, sitting down on the ground with something
20 | in his hand. As I kept walking forward, because I was in the
21 | street with these cars, as I kept walking forward...well, before
22 | that—I'm sorry. Before that, I heard the less-than-lethal go
23 | off, and that kind of like startled me, I didn't know that was
24 | going on. So, then I started walking a little faster and...because
25 | knowing the officers that were there, the sergeant and the
26 | officer, I know they didn't speak Spanish, so I figured if I got
27 | there faster, I could maybe say something in Spanish.

28 | So, I started coming up, I started walking a little faster,

1 and that's when I saw Mister Gongora had the knife in his hand.
2 He was on his...back against the wall, feet out straight. He,
3 basically, he just did one of these, (the Officer can be heard
4 imitating the motion), got up, and just went towards the
5 sergeant, and then that's when I heard the gunshots. I kind of,
6 if you see the video, I kind of went to the right of them,
7 behind a car, and then I actually went back, because I was going
8 to be in the line of fire, so I came back.

9 Then, once that happened and Mister Gongora was down, I
10 went back to where the other officers were at, and once he
11 appeared to be seriously injured, that's when I walked up to
12 him; he had the knife in his hand still. I stepped on his hand,
13 and I believe the sergeant—I'm not sure, it could have been
14 myself, I have to look at the paperwork again, took the knife
15 out of his hand. But I remember stepping on his hand, took the
16 knife out of his hand and tossed it, and then everybody else
17 came.

18 INV. STONECIPHER: Okay. And again, just to clarify,
19 Officer Perez, were you one of the first officers to arrive on-
20 scene?

21 OFC. PEREZ: I was the third officer to arrive on the
22 scene.

23 INV. STONECIPHER: Okay. And who was the highest-ranking
24 officer on the scene at that time?

25 OFC. PEREZ: Sergeant Steger.

26 INV. STONECIPHER: And do you know who was providing the
27 cover on the incident?

28 OFC. PEREZ: He was.

1 INV. STONECIPHER: Okay. And again, just to clarify,
2 when you first arrived on-scene, where was Mister Gongora?

3 OFC. PEREZ: Sitting on the ground, with his back
4 against the wall, I guess the PG&E building.

5 INV. STONECIPHER: Okay.

6 OFC. PEREZ: Sitting on the sidewalk. I mean, it was a
7 pretty hectic crowd, because that was going on, and about maybe
8 10-15 feet before that there was a homeless encampment, and
9 there was people there, subjects there that were yelling at the
10 officers. I was kind of like walking over here to help the
11 officer, but at the same time, I'm trying to make sure I'm
12 keeping an eye on these guys, because I don't know what they're
13 doing; they were just yelling. So, I'm trying to recollect to
14 the best of my ability, but that's what I remember.

15 INV. STONECIPHER: Okay. And what was he doing when he
16 was sitting down on the ground against the wall?

17 OFC. PEREZ: Mister Gongora?

18 INV. STONECIPHER: Yes.

19 OFC. PEREZ: He seemed like he was out of it. He wasn't
20 listening, he wasn't paying attention at all. He was just
21 sitting there with the knife in his hand like this, with his
22 feet out, sitting on the sidewalk.

23 INV. STONECIPHER: Okay.

24 OFC. PEREZ: Yeah.

25 INV. STONECIPHER: And was he talking? What was his
26 demeanor like?

27 OFC. PEREZ: I wasn't close enough to hear any talking.
28 To me, from where I was at, it just seemed like he was like not

1 | paying attention at all.

2 | INV. STONECIPHER: Okay. And could you just describe
3 | again how he was holding the knife?

4 | OFC. PEREZ: He had it in his right hand like this.

5 | INV. STONECIPHER: Okay.

6 | OFC. PEREZ: And I think he had his hand on the
7 | sidewalk, and the knife was just kind of just...

8 | INV. STONECIPHER: So, the tip of the blade was going
9 | straight up?

10 | OFC. PEREZ: Yeah.

11 | INV. STONECIPHER: Okay. And Officer Perez, can you
12 | describe the environment where the incident happened?

13 | OFC. PEREZ: It's, Shotwell Street is kind of a side
14 | street, so it's not a big street. One-half is [REDACTED], the back of
15 | their yard it's a fence line, and then the building on the
16 | corner, so that area attracts a lot of homeless encampments. So,
17 | there was between, between the sidewalk, between the cars and
18 | the trees, a lot of people had their tents and stuff. And then
19 | the other side, I think, is like warehouses with different, I
20 | think, tech companies or whatever.

21 | INV. STONECIPHER: Okay.

22 | OFC. PEREZ: But it's a small street, narrow street,
23 | yeah.

24 | INV. STONECIPHER: Okay. And where was the homeless
25 | encampment in relation to where you guys were, in relation to
26 | where the incident was?

27 | OFC. PEREZ: It was north of where we were at, probably
28 | about ten yards maybe.

1 INV. STONECIPHER: Okay.

2 OFC. PEREZ: Something like that.

3 INV. STONECIPHER: Okay. And what about, was there a lot
4 of traffic that day on that street on Shotwell?

5 OFC. PEREZ: No. There's usually nothing on Shotwell, on
6 that street.

7 INV. STONECIPHER: Okay. And Officer Perez, did you
8 discuss any tactics or [unintelligible] with any officers prior
9 to contacting Mister Gongora, about what you were going to do?

10 OFC. PEREZ: No.

11 INV. STONECIPHER: Again, just to clarify. Were verbal
12 commands given to Mister Gongora?

13 OFC. PEREZ: I believe the first officer was telling him
14 to drop the knife, and I'm pretty sure I heard him say, "Drop
15 the knife," several times. Because I'm sorry, I didn't go over
16 the stuff that I've said, prior. It's been, I don't know how
17 long, it's been...so I'm trying to remember off memory. I'm trying
18 to be as honest as I can, but that's, I'm pretty sure I remember
19 Officer Mellone yelling to drop the knife.

20 INV. STONECIPHER: Okay. And how did he respond to those
21 commands?

22 OFC. PEREZ: He didn't. He didn't respond.

23 INV. STONECIPHER: Okay. And did you give any verbal
24 commands to Mister Gongora?

25 OFC. PEREZ: I yelled in Spanish, [SPANISH], which is
26 like, "Let go of the knife," as I was hustling up to try to talk
27 to him, trying to get some words in.

28 INV. STONECIPHER: Uh-huh. And how did he respond to

1 | that?

2 | OFC. PEREZ: He didn't respond.

3 | INV. STONECIPHER: Now, when you were giving the

4 | commands to him in Spanish, how close were you, would you say,

5 | if you had to estimate?

6 | OFC. PEREZ: Maybe like 15 yards.

7 | INV. STONECIPHER: Okay. And at that time, when you were

8 | giving the commands in Spanish, how close would you say Officer

9 | Mellone was?

10 | OFC. PEREZ: He was probably like maybe five yards, if

11 | not closer.

12 | INV. STONECIPHER: Okay. And what about Sergeant Steger?

13 | OFC. PEREZ: Similar, but at an angle.

14 | INV. STONECIPHER: Okay. And where was...again, just to

15 | kind of get a better picture, where was Officer Mellone in

16 | relation to where you were, when you approached Mister Gongora?

17 | So, when you guys were, I guess, were walking towards him?

18 | OFC. PEREZ: When I was walking up, Officer Mellone was

19 | already standing still. He was already engaging, talking to him,

20 | so he was maybe five yards from him with the less-than-lethal.

21 | He was already standing there, and the sergeant, when he parked

22 | his vehicle, he got out. He was standing in his location pretty

23 | soon after that. I was the one that was further back, who was

24 | actually [inaudible].

25 | INV. STONECIPHER: Okay.

26 | OFC. PEREZ: They were already kind of fixed where they

27 | were at.

28 | INV. STONECIPHER: Okay. So, was Officer Mellone, was he

1 | to your left or to your right?

2 | OFC. PEREZ: He was to my left.

3 | INV. STONECIPHER: Okay. And Sergeant Steger, where was

4 | he?

5 | OFC. PEREZ: He was to my left also, but not as much to

6 | my left; kind of like offset.

7 | INV. STONECIPHER: Okay. And how close were you to

8 | Mister Gongora when Officer Mellone fired the ERIW?

9 | OFC. PEREZ: Maybe like 15 yards. I mean, if you see the

10 | video, you can kind of see the moment where I kind of jumped up

11 | a little bit.

12 | INV. STONECIPHER: Uh-huh.

13 | OFC. PEREZ: I didn't expect that to happen. He was

14 | yelling the commands, and it kind of shocked me, that part.

15 | INV. STONECIPHER: And do you recall how many ERIW

16 | rounds Officer Mellone fired?

17 | OFC. PEREZ: I don't.

18 | INV. STONECIPHER: Okay. And so, when Mister Gongora was

19 | struck with the ERIW rounds, how did he respond to it?

20 | OFC. PEREZ: I don't think he really reacted at all.

21 | INV. STONECIPHER: Uh-huh.

22 | OFC. PEREZ: Well, let me see. I don't, I don't really

23 | remember.

24 | INV. STONECIPHER: Okay. And did you see what Mister

25 | Gongora was doing prior to Officer Mellone firing the ERIW, just

26 | right before it? Did you see?

27 | OFC. PEREZ: I believe he was sitting down.

28 | INV. STONECIPHER: Okay.

1 OFC. PEREZ: He was sitting down with the knife in his
2 hand.
3 INV. STONECIPHER: Okay.
4 OFC. PEREZ: But I was walking up, so I'm not too sure.
5 And as I was walking up, I'm walking up in the street; there's
6 cars parked here, and then the sidewalk. So, this is taking,
7 this is happening up here, and I'm getting out of my car in the
8 street, walking. So, there's cars; I'm looking in the direction,
9 but there's also cars. So, I would see Mister Gongora at times,
10 and then you know, I'd be behind the cars, so I didn't see it
11 the whole time, but you know, that's what I remember seeing.
12 INV. STONECIPHER: Uh-huh. Okay. And did he, did Mister
13 Gongora communicate with you verbally after being shot with the
14 ERIW?
15 OFC. PEREZ: Not to me.
16 INV. STONECIPHER: Okay. And after he was shot with the
17 ERIW, did he change positions with his body?
18 OFC. PEREZ: Not until he got up.
19 INV. STONECIPHER: Okay. Okay. So, after he was shot
20 with the ERIW, what did he do? [Inaudible.]
21 OFC. PEREZ: I think, I think he just sat there.
22 INV. STONECIPHER: Uh-huh.
23 OFC. PEREZ: I'm pretty sure he just sat there and
24 didn't really move or say anything one way or the other. He just
25 kind of sat there.
26 INV. STONECIPHER: Okay. At what point did he get up,
27 did he get to his feet?
28 OFC. PEREZ: I think it took a second to process that he

1 | had just gotten shot with the ERIW, and I think it kind of got
2 | him upset. Then he just kind of just reacted; just got up and
3 | went, you know, at the sergeant.

4 | INV. STONECIPHER: Okay.

5 | OFC. PEREZ: And I remember walking up after I heard the
6 | ERIW, you know, shots. I said, "Okay," so I started walking a
7 | little bit faster, and I started yelling at him in Spanish,
8 | [SPANISH]. Then I remember seeing him get up, and I just, in my
9 | head, I was like, "Uh, what are you doing?" Then just, you know.

10 | INV. STONECIPHER: Uh-huh. Okay. And that's when shots
11 | were fired?

12 | OFC. PEREZ: That's when shots were fired.

13 | INV. STONECIPHER: Okay. Now, when shots were fired with
14 | the handgun, was Officer Mellone closer to Mister Gongora at
15 | that point, or was Sergeant Steger closer?

16 | OFC. PEREZ: To who, to Gongora?

17 | INV. STONECIPHER: Yes.

18 | OFC. PEREZ: Sergeant Steger.

19 | INV. STONECIPHER: Okay.

20 | OFC. PEREZ: Because he came at Sergeant Steger.

21 | INV. STONECIPHER: Okay. And at that point, when he's
22 | coming at Sergeant Steger, how close was Sergeant Steger to
23 | Mister Gongora?

24 | OFC. PEREZ: Maybe like six feet?

25 | INV. STONECIPHER: Okay.

26 | OFC. PEREZ: Whatever the width of the sidewalk is,
27 | probably a little less than that.

28 | INV. STONECIPHER: Okay. And Officer Perez, as he's

1 | going towards Mister Gongora, or I'm sorry, as Mister Gongora is
2 | going towards Sergeant Steger, how is he holding the knife?
3 | OFC. PEREZ: He had it in his hand like this when he's
4 | sitting, so when he got up, he kind of just like pointed it at
5 | him.
6 | INV. STONECIPHER: Okay.
7 | OFC. PEREZ: [Unintelligible.]
8 | INV. STONECIPHER: Okay. So, the tip of the blade is
9 | pointing towards Sergeant Steger?
10 | OFC. PEREZ: Yeah.
11 | INV. STONECIPHER: He's holding it by the handle?
12 | OFC. PEREZ: Yeah.
13 | INV. STONECIPHER: Okay. And Officer Perez, when he was
14 | moving towards Sergeant Steger, how would you describe the pace
15 | at which he was moving? Was it a run or a stumble towards him?
16 | How would you describe it?
17 | OFC. PEREZ: It was pretty quick. I'm surprised he got
18 | to his feet that fast, but it was kind of, he was sitting there.
19 | It took him one second, I think, to process what he had just
20 | gotten shot with the ERIW, and then it was like one movement.
21 | Like he just got to his feet, just, just went towards him. Like
22 | I wouldn't...it wasn't like a sprint, but it was, it was pretty
23 | fast.
24 | INV. STONECIPHER: Okay.
25 | OFC. PEREZ: It wasn't like he was going slow.
26 | INV. STONECIPHER: Okay.
27 | OFC. PEREZ: It was pretty fast.
28 | INV. STONECIPHER: And do you, do you know who fired

1 | their handgun first?

2 | OFC. PEREZ: I'm assuming it was Sergeant Steger,
3 | because he was [lethal] cover, but I don't know.

4 | INV. STONECIPHER: Okay. And when shots were fired with
5 | their handguns, with the officers' handguns, was your view
6 | impeded at any point? Like how clear of a view did you have of
7 | that? Was there anything in the way?

8 | OFC. PEREZ: Not really. I mean, there was vehicles that
9 | were parked, but I'm, I could see a little bit over it, so I
10 | mean, and I was getting closer. So, I didn't, I mean, I didn't
11 | see the actual shots hit him, I just saw him coming at them, and
12 | then just the noise of the shots being fired.

13 | INV. STONECIPHER: Uh-huh, okay.

14 | OFC. PEREZ: And since, I mean, I was processing where
15 | am I going to go, because they're shooting this way, and I was
16 | coming around this way to try to triangulate. At first, I
17 | thought we were going to talk to him for a while or something,
18 | but...

19 | INV. STONECIPHER: Uh-huh.

20 | OFC. PEREZ: So, I'm coming this way, and then the shots
21 | were fired, so then I had to come back this way. So, it's kind
22 | of a difficult situation.

23 | INV. STONECIPHER: Okay. Now, was Officer Mellone or
24 | Sergeant Steger moving while they were firing their handguns at
25 | Gongora?

26 | OFC. PEREZ: Yeah. I think, I think Sergeant Steger,
27 | when he came at him, he started shooting, but I think he started
28 | moving to his left, towards Officer Mellone.

1 INV. STONECIPHER: Uh-huh. So, he's moving backwards, is
2 that correct?
3 OFC. PEREZ: Backwards and to his left, I think.
4 INV. STONECIPHER: Okay.
5 OFC. PEREZ: Yeah.
6 INV. STONECIPHER: And were there any pedestrians nearby
7 when they opened fire?
8 OFC. PEREZ: The homeless people that were behind us.
9 INV. STONECIPHER: Okay.
10 OFC. PEREZ: I know they were there, and those are the
11 only ones that I saw. There wasn't anybody behind, behind,
12 towards the direction of the guns and stuff that they were
13 firing.
14 INV. STONECIPHER: So, there was no one in their line of
15 sight?
16 OFC. PEREZ: No.
17 INV. STONECIPHER: Okay. And again, how close were you
18 to Sergeant Steger when officers opened fire with their
19 handguns?
20 OFC. PEREZ: I think like six feet behind him.
21 INV. STONECIPHER: Okay. And so, you know how close
22 Officer Mellone was to Mister Gongora when he fired his handgun?
23 OFC. PEREZ: Probably about six feet, I think.
24 INV. STONECIPHER: And again, just to clarify, where was
25 Sergeant Steger in relation to you when he opened fire?
26 OFC. PEREZ: He was in front of me, a little bit to the
27 left. So, he was in front of a car, because there was a car
28 parked there. I was in the street walking up, and he was in

1 front of the car, I believe, or between the car, facing Mister
2 Gongora.

3 INV. STONECIPHER: Okay. And what about Officer Mellone,
4 where was he at the time?

5 OFC. PEREZ: He was kind of up against the building
6 line, to my left, on the sidewalk.

7 INV. STONECIPHER: Okay. And why did the officers stop
8 firing?

9 OFC. PEREZ: Because he went down.

10 INV. STONECIPHER: Okay. And what did you do after they
11 stopped firing?

12 OFC. PEREZ: Uh, went over there to where they were at.
13 I saw that he wasn't moving, so I approached him, and he still
14 had the knife in his hand, and I stepped on his wrist, and I'm
15 not sure if I took the knife out of his hand or... I think I may
16 have put a glove on while I had his hand down, pinned down, and
17 I took the knife out of his hand or Sergeant Steger—I'm not
18 positive.

19 INV. STONECIPHER: Uh-huh.

20 OFC. PEREZ: But that's, that's...once that happened, the
21 medics were already around the corner, because their station's
22 right there, and once the knife was out of his hands, and they
23 came in [unintelligible].

24 INV. STONECIPHER: Okay. I think we're going to show the
25 [Nes Cam] video.

26 OFC. PEREZ: Okay.

27 INV. STONECIPHER: Next, which I'm sure you've probably
28 already seen.

1 OFC. PEREZ: Yeah.

2 INV. STONECIPHER: It's from [REDACTED] from
3 right across the street. Let me start the [inaudible]. Okay. So,
4 let's see here.

5 SR. INV. VILLAREAL: What's the name of this file? Does it
6 have a name?

7 INV. STONECIPHER: Yeah, it's, this is the one we got
8 from Homicide. So, this is...

9 SR. INV. VILLAREAL: It's right [in there], 3-0...

10 INV. STONECIPHER: [So, it's totally fine.] Let's see.
11 [Inaudible.] It's still clutched out, hold on a second;
12 technical difficulties.

13 (In. Stonecipher is trying to get video to play.)

14 INV. STONECIPHER: Let's see here. So, this is...and the
15 video clip is [drop cam clip], April 7, 2016, at 9:53 a.m. This
16 is provided by Homicide. We're going to jump ahead a little bit
17 here. Okay. Now, watch in this upper area. There's a question at
18 that part. Specifically, this first one, right here. Okay. I'm
19 pausing it at the 2-minute, 30-second mark. There's a gentleman
20 walking in a red, long-sleeve, almost a jersey, with jeans. Is
21 this, Officer Perez, is this Mister Gongora?

22 OFC. PEREZ: You know what? I don't remember exactly
23 what he was wearing. Like it's been a while, so I mean, I
24 remember the description was it was a soccer jersey, and I
25 believe it was red, so I'm pretty sure it was him.

26 INV. STONECIPHER: Okay. I'm going to reach up ahead a
27 little bit more here, okay, because this kind of goes on for a
28 little bit. Let's see here... Okay. I'm pausing at the 10-minute,

1 20-second mark. Officer Perez, can you identify yourself in this
2 video?

3 OFC. PEREZ: I'm the third officer back there.

4 INV. STONECIPHER: Third officer in the very back?

5 OFC. PEREZ: Yeah.

6 INV. STONECIPHER: And this officer, I guess, by the, I
7 guess it's kind of a darkish tint, right up here?

8 OFC. PEREZ: Uh-huh.

9 INV. STONECIPHER: Do you know which officer this is?

10 OFC. PEREZ: That's Sergeant Steger.

11 INV. STONECIPHER: And this is going to be Officer
12 Mellone?

13 OFC. PEREZ: Yes.

14 INV. STONECIPHER: Holding the ERIW?

15 OFC. PEREZ: The one in the front is Officer Mellone.

16 INV. STONECIPHER: The one in the front?

17 OFC. PEREZ: Yeah.

18 (Audio can be heard of people shouting.)

19 INV. STONECIPHER: Okay. I'm pausing it at the
20 10- minute, 49-second mark. Now, we saw two officers running
21 backward.

22 OFC. PEREZ: Uh-huh.

23 INV. STONECIPHER: Now, that is Sergeant Steger and
24 Officer Mellone?

25 OFC. PEREZ: Yeah.

26 INV. STONECIPHER: Uh, Officer Perez, what are they
27 reacting to that's causing them to run backwards?

28 OFC. PEREZ: I believe they were, uh, Mister Gongora

1 coming at them and them also shooting. So, I guess, I assume
2 trying to get cover or something.

3 INV. STONECIPHER: Okay. I'm going to back it up. Let's
4 see here. I'm going to let this play ahead a little bit, but
5 Officer Perez, I just kind of want you to articulate at what
6 point do you know in the video, where you attempted to give
7 orders in Spanish.

8 OFC. PEREZ: Okay.

9 INV. STONECIPHER: So, you just let me know; just say
10 when.

11 OFC. PEREZ: I think right now, when I started saying
12 stuff.

13 INV. STONECIPHER: Okay. So, at 2 minutes and 41
14 seconds, you're by what looks like a silver Saturn SUV.

15 OFC. PEREZ: Yeah.

16 INV. STONECIPHER: And by the tree-line, close to the
17 tree-line a little bit. Okay. All right. And Officer Perez, who
18 made a request for a 408? Do you know?

19 OFC. PEREZ: I think Officer Mellone did.

20 INV. STONECIPHER: Okay. And when Mister Gongora was
21 shot with handguns, do you know which way his body fell? Did it
22 fall forwards or did it fall backwards?

23 OFC. PEREZ: I think he fell forward, and then rolled
24 onto his back, because he was on his back, and the knife was
25 facing 19th Street; he had it in his hand. So, I'm pretty...I know
26 he ended up on his back. I'm pretty sure he fell forward, on his
27 back.

28 INV. STONECIPHER: Okay. And when he was laying on the

1 ground, what direction was Mister Gongora's head pointing when
2 he was on the ground? Was it towards the street, towards the...?
3 OFC. PEREZ: Towards the street. I guess, what is that,
4 west? His head was pointed towards the west side, I'm pretty
5 sure.
6 INV. STONECIPHER: Okay. And how close was Mister
7 Gongora's body to the curb?
8 OFC. PEREZ: Maybe a foot or two, I'm not sure.
9 INV. STONECIPHER: Okay. And did you touch Mister
10 Gongora's body when he, when it was on the ground?
11 OFC. PEREZ: I stepped on his forearm and took the knife
12 out of his hand.
13 INV. STONECIPHER: Okay.
14 SR. INV. VILLAREAL: [Unintelligible.]
15 INV. STONECIPHER: Yeah, yeah.
16 SR. INV. VILLAREAL: Which, which hand did he have it in?
17 OFC. PEREZ: In his right hand.
18 SR. INV. VILLAREAL: Okay. In his right hand.
19 INV. STONECIPHER: And did you move Mister Gongora's
20 body when it was on the ground?
21 OFC. PEREZ: No.
22 INV. STONECIPHER: Did you observe any officers moving
23 his body when it was on the ground?
24 OFC. PEREZ: I don't think so.
25 INV. STONECIPHER: Again, just to clarify, the knife was
26 in his right hand, when you ended up falling on the ground? He
27 was still clenching it?
28 OFC. PEREZ: Yeah, he had it in his...he was holding it in

1 | his hand.

2 | INV. STONECIPHER: Okay. Is that also the hand, when he

3 | was sitting originally? Did he have it in his right hand?

4 | OFC. PEREZ: Yeah.

5 | INV. STONECIPHER: Okay. So, the whole time pretty much?

6 | OFC. PEREZ: Yeah.

7 | INV. STONECIPHER: Okay. And again, what did you do with

8 | the knife?

9 | OFC. PEREZ: I just tossed it to the side.

10 | INV. STONECIPHER: Okay.

11 | OFC. PEREZ: And just left it there, because I knew it

12 | was evidence, so...

13 | INV. STONECIPHER: Okay. And how did you leave the scene

14 | of the incident?

15 | OFC. PEREZ: I was there for a while. Other units came

16 | by and supervisors and everything, and then somebody asked me.

17 | He was like, "Were you here when it happened?" I said, "Yeah."

18 | "Well, you're not supposed to be here, you're supposed to take

19 | off." So, that's, that's when I left.

20 | INV. STONECIPHER: Okay. And who was that? Who did you

21 | speak to? Do you remember who he is?

22 | OFC. PEREZ: I think it might have been Sergeant

23 | [Caprash], or one of the officers that were there. He just told

24 | me like, "If you were here when it happened, you got to go back

25 | to the station."

26 | INV. STONECIPHER: Okay. And do you know how long you

27 | were there for after the fact? At the scene?

28 | OFC. PEREZ: At the scene?

1 INV. STONECIPHER: Yeah.

2 OFC. PEREZ: I think it was like five minutes, maybe

3 less. I don't know.

4 INV. STONECIPHER: And who did you talk to after the

5 shooting?

6 OFC. PEREZ: What do you mean?

7 INV. STONECIPHER: Were you interviewed at any point?

8 OFC. PEREZ: I was interviewed...

9 INV. STONECIPHER: Like immediately after?

10 OFC. PEREZ: Who talked to me? I was at the station for

11 a long time, waiting for people to come talk to me. I'm trying

12 to think.

13 INV. STONECIPHER: Okay. What station was that?

14 OFC. PEREZ: Mission.

15 INV. STONECIPHER: Okay.

16 OFC. PEREZ: I was Mission Station and I was waiting

17 there, I think, in the gym, for I don't know how long. I'm

18 trying to think who I spoke to. I might have not spoke to

19 anybody there. I might, they might have said that they would

20 interview me for the next day or whatever.

21 INV. STONECIPHER: Okay.

22 OFC. PEREZ: I don't think I did speak to anybody.

23 INV. STONECIPHER: Okay. Officer Perez, what time did

24 you go home that day?

25 OFC. PEREZ: I'm not sure. I think, uh, let's see. I'm

26 scheduled to go home at about five, so I think I went home a

27 little before that.

28 INV. STONECIPHER: Okay. Carlos, do you have anything?

1 SR. INV. VILLAREAL: Yeah, a few things. You mentioned
2 that the call involved a HOT Team?
3 OFC. PEREZ: Yeah.
4 SR. INV. VILLAREAL: And so, this is just what you're
5 hearing over the air?
6 OFC. PEREZ: Yeah.
7 SR. INV. VILLAREAL: And you mentioned specifically that
8 there was a report that this person was acting aggressive. Is
9 that accurate?
10 OFC. PEREZ: I'm pretty sure that's what I remember
11 them...I mean, the HOT Team, that's what they primarily deal with
12 is homeless, and they hardly, they very rarely call us. They
13 usually try to solve their own problems by themselves. So, I'm
14 pretty sure they called us, because he was acting erratic or
15 something. I'm not, like I said, it's, I don't know, a year-and-
16 a-half ago.
17 SR. INV. VILLAREAL: Uh-huh.
18 OFC. PEREZ: I don't remember exactly, and I didn't
19 review anything before I came in. I'm just trying to answer as
20 honestly as I can from what I remember.
21 SR. INV. VILLAREAL: Sure. Okay. And then, you said Mister
22 Gongora was sitting against a wall?
23 OFC. PEREZ: Yeah.
24 SR. INV. VILLAREAL: Was it a wall...my understanding is
25 there's also some garage style doors there or something like
26 that. Was it against a wall or a garage door?
27 OFC. PEREZ: It was against the wall of the building.
28 SR. INV. VILLAREAL: Okay. And how close was he to one of

1 | those doors?

2 | OFC. PEREZ: Very close, very close.

3 | SR. INV. VILLAREAL: Okay.

4 | OFC. PEREZ: I think there was like pillars right next
5 | to him.

6 | SR. INV. VILLAREAL: Okay. And then, what were the
7 | position of his legs?

8 | OFC. PEREZ: Straight out.

9 | SR. INV. VILLAREAL: Straight out. And you said that he
10 | was holding this knife and didn't seem to be reacting. Were his
11 | eyes open, do you remember?

12 | OFC. PEREZ: Yeah.

13 | SR. INV. VILLAREAL: His eyes were open. And you said you
14 | didn't hear him saying anything or responding. Did you see his
15 | mouth moving at all?

16 | OFC. PEREZ: I [didn't].

17 | SR. INV. VILLAREAL: Okay. What were you thinking...did you
18 | think he might have been, like had a mental health issue, or
19 | perhaps been under the...

20 | OFC. PEREZ: I thought he was under the influence of
21 | something.

22 | SR. INV. VILLAREAL: Under the influence?

23 | OFC. PEREZ: Yeah.

24 | SR. INV. VILLAREAL: Okay. Do you, you said you didn't see
25 | any people behind the scene, so that would be south, any
26 | civilians beyond Mister Gongora. Do you remember...

27 | OFC. PEREZ: On that side of the street.

28 | SR. INV. VILLAREAL: Do you remember seeing anybody

1 flagging officers down nearby?

2 OFC. PEREZ: I don't remember that.

3 SR. INV. VILLAREAL: Okay. O, when Officer Mellone started

4 firing the ERIW, is that...I wrote this down. I think you said he

5 was maybe within five yards. Does that sound right or is that,

6 was he further away?

7 OFC. PEREZ: Yeah, around five yards.

8 SR. INV. VILLAREAL: Okay. And you described being shocked

9 by that?

10 OFC. PEREZ: Yeah.

11 SR. INV. VILLAREAL: And you [unintelligible] where you

12 jumped. And then you said later that you, you know, you thought

13 we were going to talk to him for a while.

14 OFC. PEREZ: I did.

15 INV. STONECIPHER: So, would you talk a little bit more

16 about that. Did you feel like...it was surprising to you?

17 OFC. PEREZ: Well, I mean, we go over to that, a similar

18 call, all the time. All the time, and it doesn't, rarely, it

19 hardly ever turns into something like that. So, I thought it was

20 going to be one of those things like, "Hey, man. Drop the

21 knife." And then he would have dropped it, and we would have

22 jumped in and grabbed it, you know, maybe took him to the psych

23 ward or something like that. But it just, it escalated, and I

24 mean, I don't know what Officer Mellone saw, or what caused him

25 to shoot the less lethal, but that, that kind of shotgun, that's

26 when I, I think, it kind of gave me the urgency to like say

27 something in Spanish. Like you know, maybe he's not

28 understanding, like you know, "Drop the knife." And then, that's

1 | when he reacted, you know, came at the sergeant. I was like,
2 | "This is not [unintelligible]. What are you doing?"
3 | SR. INV. VILLAREAL: Have you been trained on the ERIW?
4 | OFC. PEREZ: Yeah.
5 | SR. INV. VILLAREAL: Okay. And do you know is there a
6 | discussion about distance, in terms of how close you should be,
7 | is it more effective at a certain distance?
8 | OFC. PEREZ: Yeah.
9 | SR. INV. VILLAREAL: How close do you want to be to a
10 | subject, when you...?
11 | OFC. PEREZ: Let's see. I can't tell you off the top of
12 | my head, but I know there's a certain distance. They don't want
13 | you to be too close. There's a certain distance they want you to
14 | be at if possible.
15 | SR. INV. VILLAREAL: Okay. And you said that they were
16 | yelling things like, "Put the knife on the ground." Did you ever
17 | hear anybody shout anything about, "We're about to fire," or
18 | "We're going to fire less lethal," or yell, "Less lethal," or
19 | anything like that?
20 | OFC. PEREZ: I don't remember hearing that.
21 | SR. INV. VILLAREAL: You don't remember any of that. If,
22 | in your opinion, would you have...so there is, you know obviously,
23 | the use of force policies have changed quite a bit now, but
24 | there are some Department bulletins that talk about time and
25 | distance, lawful but [awful] use of force. Do you think that, in
26 | your opinion, it would have been a good idea to wait before
27 | firing the ERIW?
28 | OFC. PEREZ: I don't know, because I don't know. Officer

1 | Mellone was closer than me, and he was initially on him. So, I
2 | don't know what he saw or what he felt.

3 | SR. INV. VILLAREAL: Right, right.

4 | OFC. PEREZ: So, I can't really speak to what he was or
5 | what he did, what he did, but like I said, usually we try to
6 | handle those situations a little differently.

7 | SR. INV. VILLAREAL: If someone was sitting and not
8 | reacting, and they do have a weapon, what would be the purpose
9 | of shooting an ERIW?

10 | OFC. PEREZ: I mean usually, we tell them to drop the
11 | weapon, before you would shoot them with the ERIW, and then give
12 | them an opportunity to drop it. If they didn't, maybe to disarm
13 | them, but I don't know.

14 | SR. INV. VILLAREAL: Did you think that Mister Gongora was
15 | a threat to anybody? Before he obviously lunged at the sergeant
16 | and got up, when he was just sitting there and had the knife in
17 | his hand, did you think he was a threat to anybody?

18 | OFC. PEREZ: He could have been. I mean he's sitting
19 | there, and from what I recall, he was causing a disturbance, or
20 | I don't know, acting aggressively before that, so he could have
21 | been a danger to somebody.

22 | SR. INV. VILLAREAL: But when you saw him, it didn't, he
23 | didn't appear to be threatening anybody?

24 | OFC. PEREZ: When I saw him, he was just sitting there
25 | with a knife in his hand.

26 | SR. INV. VILLAREAL: Okay. When he got up and moved
27 | towards the sergeant, what was the sergeant doing? What was
28 | Sergeant Steger doing?

1 OFC. PEREZ: I think he was providing lethal cover. So,
2 I think he had his firearm towards Mister Gongora.
3 SR. INV. VILLAREAL: Was he standing straight up?
4 OFC. PEREZ: I believe so, yeah.
5 SR. INV. VILLAREAL: And you said he was maybe within six
6 feet of him?
7 OFC. PEREZ: Yeah.
8 SR. INV. VILLAREAL: What do you think he was...I mean, that
9 seems pretty close to me. I'm not a, you know, I'm not an
10 experienced officer.
11 OFC. PEREZ: Yeah, uh-huh.
12 SR. INV. VILLAREAL: What do you think he was trying to do
13 at that point? Do you think they were trying to move in that
14 close for a particular reason?
15 OFC. PEREZ: I don't think so. I think he was just
16 trying to provide lethal cover, in case Mister Gongora attacked
17 Officer Mellone, because Officer Mellone kind of like, when
18 you're shooting less lethal, you're kind of at a disadvantage if
19 somebody reacts, because you have less lethal weapon.
20 SR. INV. VILLAREAL: Uh-huh, right.
21 OFC. PEREZ: And you know, to get to your service
22 weapon. If somebody with a knife can get, you know, close [to
23 you] really quick, so I think he was just, his whole purpose, I
24 think, was just to provide lethal cover, in case something
25 happened. But I don't think he specifically trying to do
26 anything, just other than being there.
27 SR. INV. VILLAREAL: Okay. Both the officer and the
28 sergeant, Officer Mellone and Sergeant Steger, sort of were

1 initially moving very quickly towards Mister Gongora. Do you
2 think that either of them were trying to do anything, in
3 particular, by moving that close?

4 OFC. PEREZ: Uh...

5 SR. INV. VILLAREAL: I mean there was an attempt, for
6 example, to try to disarm him?

7 OFC. PEREZ: I think maybe, under the circumstances,
8 that he could have been under the influence of something. Maybe
9 getting closer, you're able to shout louder, and maybe get their
10 attention a little bit more. That's the only thing I can think
11 of.

12 SR. INV. VILLAREAL: Did Gongora ever say anything?

13 OFC. PEREZ: That I know of? No. I was the third one
14 there. Kind of, I was kind of far to hear anything, if he would
15 have said anything, and like I said, until that first
16 [unintelligible] round went off, that's when I got there
17 [faster].

18 SR. INV. VILLAREAL: Okay. And then after the shooting,
19 did you speak to Officer, the officer or the sergeant?

20 OFC. PEREZ: [Unintelligible.]

21 INV. STONECIPHER: Do you remember if they spoke to each
22 other?

23 OFC. PEREZ: They might have. I know Officer Mellone, he
24 was, as soon as it happened, he kind of went on the radio and
25 just started notifying everybody and all that. Then he kind of
26 stepped away. He was by himself, by one of the cars, and he was
27 giving directions. I, it wasn't what I think. Maybe it was
28 Sergeant Steger that asked me about the knife and took the knife

1 out of his hand. But other than that, that I can recall, I don't
2 think anybody spoke; I don't think they spoke to each other.

3 SR. INV. VILLAREAL: Okay. But you may have said something
4 to Steger? He might have said something to you about the knife
5 and trying to disarm him?

6 OFC. PEREZ: About the knife, yeah, about taking the
7 knife out of his hand or something like that.

8 SR. INV. VILLAREAL: Okay. I think that's all I have.

9 INV. STONECIPHER: Okay. Officer Perez, is there any
10 other statement relevant to this incident that you wish to make
11 at this time?

12 OFC. PEREZ: No.

13 INV. STONECIPHER: Okay. Are there witnesses, other
14 evidence relevant to this case that you intend to submit on your
15 behalf?

16 OFC. PEREZ: No.

17 INV. STONECIPHER: Okay. This is your last opportunity
18 to submit to DPA, IAD, and Chief of Police, before an initial
19 decision about whether to sustain any of the allegations in this
20 case, and what discipline to impose, if any. Is there anything
21 else you'd like the Chief to consider in that regard?

22 OFC. PEREZ: I don't think so.

23 INV. STONECIPHER: Okay. This interview is concluded.
24 The official time is 10:41 a.m.

25 **END OF DOCUMENT**
26
27
28